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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,476	01/10/2002	Ray A. Walker	10019374-1	9903

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
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EXAMINER

LIANG, LEONARD S

ART UNIT PAPER NUMBER

2853

DATE MAILED: 05/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

10/044,476

Applicant(s)

WALKER, RAY A.

Examiner

Leonard S Liang

Art Unit

2853

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 19 May 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:


Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☒ Other: See Continuation Sheet


JUDY NGUYEN
PRIMARY EXAMINER

Continuation of 2. NOTE: The currently amended claims raise the new issue of determining status information within an ink reservoir, as opposed to within a replaceable printing component or replaceable ink container. However, though this raises a new issue, the examiner considers this issue relevant to the issue that triggered a request for reconsideration, which will be addressed below in 5.

Continuation of 5. does NOT place the application in condition for allowance because: The applicant asserts that "The 'ink reservoir' is that portion of the replaceable component that contains the ink. As stated in the present application, 'Ink is free to move about within the reservoir portion 24' (page 5, lines 23-24). That is, the ink reservoir 24 is defined as where 'ink is free to move about'... Examining Figures 5-7 of Walker '527, it can be seen that 'ink is free to move about' only within housing 32. Thus, housing 32 defines the 'ink reservoir' as the term is used in the present application. As clearly shown in figures 5-7, link 44 is not positioned within the housing 32 where the 'ink is free to move about'. Therefore, link 44 cannot be said to be 'within' the ink reservoir as claimed in claim 1." The examiner submits that the applicant is reading limitations from the specification into the claimed invention in order to narrow the definition of "ink reservoir". Further, the statement that "ink is free to move about within the reservoir portion 24" is a description and not a definition. According to the Merriam-Webster's Collegiate Dictionary Tenth Edition, a reservoir is defined as "a place where something is kept in store". Based on this definition, the replaceable component 14 disclosed by Walker can indeed be considered an ink reservoir because it is a place where ink is kept in store. In light of this definition, it is clear from figures 6-8 that link 44 is indeed "within" the ink reservoir. If the claimed invention specified the limitation of the link being in direct contact with the ink, this would not be the case, but as it is, this limitation is not claimed.

Continuation of 10. Other: A PTO-892 form has been included to provide documentation supporting the examiner's arguments..